REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-5, 7-9 and 12 are presently pending in the present application.   Claims 1, 7, and 8 have been amended by way of the present Amendment.   Claims 6, 10, and 11 have been canceled without prejudice or disclaimer.   No new matter is introduced by this amendment. (See, e.g., page 14, line 28, through page 15, line 4; page 15, lines 9-12, of the English translation; and FIGS. 3-5.)

In the Office Action, claims 1-9 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Birsan et al.* (U.S. Patent No. 6,848,078) in view of *Tuma et al.* (A Hands-on Approach to Teaching Basic OSI Reference Model).   The Applicants respectfully request the withdrawal of the obviousness rejection for the reasons set forth below.

MPEP §2141 notes that the Patent Office bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.   MPEP §2142 further notes that "[t]o reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made. ....   Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences," conduct the search and evaluate the "subject matter as a whole" of the invention. ....   However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art."

The Applicants submit that the Office Action fails to establish a *prima facie* case of obviousness, since there is no evidentiary support for the conclusion that the features recited in

the claims were known at the time of the present invention. Accordingly, the Applicants request that such evidentiary support be placed on the record, or the obviousness rejection withdrawn.

Independent claim 1 recites a method for determining deviations of a part of an end-system message of modular structure generated in a hierarchically-structured end system of a telecommunications device structured and based on an OSI reference model by comparison with a reference message comprising, among other features, **outputting of individual structural units of the selected structural unit of the end-system message deviating from the selected structural unit of the reference message** indicating values of parameters of the respective individual structural units of the selected structural unit of the end-system message generated in the end system **in a first region of a screen display, wherein, in a second area of the screen display, the structural units of the end-system message are shown giving details for all structural units of the end-system message in the form of a table, and, in a third area of the screen display, the structural units of the reference message are shown giving details for all structural units of the end-system message in the form of a table, and wherein, in the second area and the third area, in each case the byte assigned to a structural unit within the end-system message or the reference message respectively is given.** The Applicants submit that the applied references fail to disclose or suggest all of the recited limitations in claim 1.

The Applicants note that the amendments to claim 1 set forth herein render claim 1 similar to claim 1 in a parallel European regional phase application resulting from the same international application as the present U.S. application. The European application was indicated as being allowable on the basis of such a recitation.

The amended portion of independent claim 1 has support in the description as originally filed, for example, on page14, line 28, through page15, line 4 and on page 15, lines 9-12.   The output of the determined deviations is performed on a screen display (see, e.g., page 9, lines 21-23; page16, lines 27-31), wherein the output for the determined deviations of the structural units of the reference message and the end-system message is in a first region of the screen display. The second and third regions contain details for all structural units of the end system message and the reference message, giving details in form of tables.   The tables in the second region and the third region also comprise for all structural units the assigned bytes.   The cited phrases of the description also explicitly disclose that for the individual structural units the respective byte is output in the table of the appropriate region.

The Applicants submit that the previously submitted arguments in the responses filed on July 15, 2009, and December 29, 2009, in favor of novelty and non-obviousness with respect to the sequence of a step of "selecting" and a step of "determination of deviations" over the teachings of *Birsan et al.* in view of *Tuma et al.* remain valid.   The same applies to the previously presented reasoning with respect to internal messages according to the OSI reference model.   However, in addition to those arguments in support of the claims of the present application, the Applicants further present arguments below that concentrate on the new aspects of claim 1 set forth in the amendments herein.

Birsan et al. describes a method for comparing complete files containing xml-statements. The method determines the file structure using a parser and the determined file structure is subsequently output (see, e.g., col. 1, lines 42-44; col. 3, lines 55-63).   In a consecutive step, the detected differences may be resolved by the user on the basis of the determined file structures comprising complete files (see, e.g., col. 3, lines 4-21).   Analyzing only selected parts of the

file structure is not possible with the method according to *Birsan et al*.   Complete files possibly comprising a multiplicity of structural elements are processed and subsequently output in form of complete files.   This implies an unnecessary processing load on a processing device and also an unnecessary burden on a user in extracting the information while only interested in selected structural elements.

Taking the aforementioned into account, the technical task has to be solved to provide an analyzing method for complex data structures, the method providing a suited graphical interface optimized at reproducing the interesting information.

The method according to amended claim 1 solves this task by enabling a partial comparison of the structure of the reference message and the end-system message.   A displayed structural element of the reference message and a displayed structural element of the end-system message are selected and the consecutive comparison is performed on the selected units.   The processing capacity can thereby be concentrated on those structural units being of interest to the user.   By selecting the uppermost hierarchical element, selection of the complete data message is also possible.   In any case, a selected structural unit of the reference message and a selected structural unit of the end-system message are analyzed.   Further on, the amended claim 1 contains the feature that outputting of the deviating structural units of the end-system message is performed in a first region of a display screen, and a second area and a third area are provided that contain tables comprising details of all structural units of the end-system message and the reference message respectively.   The tables also comprise bytes associated to the respective reproduced structural units.   Thereby, the subject-matter of amended claim 1 enables a user to identify differences in the reference message and the end system message simultaneously on byte level of the respective messages.

Birsan et al. describes outputting of structural units in a first region of a screen display (see, e.g., col. 6, lines 17-21; FIG. 3). However, contrary to subject-matter of the present application, *Birsan et al.* outputs in a first region, such as the left pane of FIG. 3, the merged complete <u>file structure tree</u> of the base file and the modified file containing the differences. Thereby, the complete merged base and modified files are output by *Birsan et al.* resulting in redundant information being displayed and hindering a user in focusing on the relevant structural units. Subject-matter of amended claim 1 enables by the step of selecting a structural unit to concentrate processing capacity for the step of determination of deviations by comparison on the selected (interesting) structural units of the message only on one hand and also concentrating a user's attention to the actual reproduced (interesting) structural units on the other hand. The method according to claim 1 thereby solves the task described above in an advantageous manner contrary to *Birsan et al.* Therefore, *Birsan et al.* does not disclose or suggest the selecting steps, the determination step, or the outputting step of amended claim 1. Furthermore, *Tuma et al.* does not supplement these deficiencies in the teachings of *Birsan et al.* For example, *Tuma et al.* does not disclose the outputting in various areas on a screen display, in the manner recited in claim 1.

The subject-matter of amended claim 1 offers the further benefit of providing a user with a display of an individual structural unit in bytes within the reference message and the end-system message, which thus provides information that would be lost otherwise because of the selection of units to be compared. Therefore, the exact position of the compared structural unit within the end-system message or reference message can be easily determined even without analyzing the complete read reference message or end-system messages (see, e.g., description in the specification on page 15, lines 9-26; FIG. 5, reference numeral 30). This feature also

enables the comparison of partial reference messages with complete end-system messages, as an automatic interpretation of the structural unit in the first line of the reference message and respective end-system message as "root" is avoided. This feature therefore improves the comparison of the messages significantly. As *Birsan et al.* also does not even disclose the partial analyzing of base and modified messages, subject-matter of amended claim 1 is also not obvious based on the disclosure of *Birsan et al.*

Hence, even in light of *Tuma et al.*, the subject-matter of amended claim 1 is not rendered obvious by the teachings set forth in *Birsan et al.* *Tuma et al.* neither discloses selecting of partial messages for subsequent comparison, nor does it disclose any means and methods for displaying structural elements of internal messages. *Tuma et al.* therefore fails to provide one of ordinary skill in the art any hint at arriving at the method recited in independent claim 1 of the present application.

Accordingly, the applied references, either when taken singularly or in combination, fail to disclose or suggest all of the limitations recited in independent claim 1 of the present application. Thus, the Applicants respectfully request the withdrawal of the obviousness rejection of independent claim 1.

Claims 2-5, 7-9, and 12 are considered allowable for the reasons advanced for independent claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of independent claim 1.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the

undersigned attorney at (703) 519-9957 so that such issues may be resolved as expeditiously as possible.

     To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made.   Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

                                         Respectfully Submitted,

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